

EXHIBIT A —

*Deposition Transcript of Aricia
Binder*

Aricia Binder

Peter DeVecchia et al., v. Frontier Airlines, Inc., et al.
2:19-CV-01322-KJD-DJA

November 17, 2022

 **ORIGINAL**



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EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

PETER DELVECCHIA, et al.,)

Plaintiffs,)

vs.)

FRONTIER AIRLINES, INC.,)
et al.,)

Defendants.)

) Case No: 2:19:CV-01322-KJD-DJA

3:19 p.m.

November 17, 2022

Charlotte, North Carolina

DEPOSITION

OF

ARICIA BINDER

APPEARANCES:

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Also Present: Mr. Chuck Habrack, videographer
* * * * *

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By Mr. McKay	58

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EXHIBITS

(There were no exhibits marked.)

* * * * *

This is the deposition of ARICIA BINDER, taken pursuant to Notice of the parties and in accordance with the Federal Rules of Civil Procedure before Shannon J. Colangelo, Notary Public, in the offices Regus, 525 North Tryon Street, Suite 1600, Charlotte, North Carolina, on November 17, 2022, beginning at 3:19 p.m.

IT IS STIPULATED AND AGREED by and between counsel for the parties that all objections except as to form shall be reserved until which time they can be heard by the Court.

IT IS STIPULATED AND AGREED by and between counsel for the parties that the reading and signing of this transcript by the witness is reserved.

1 VIDEOGRAPHER: Today is November 17th,
2 2022. The time is approximately
3 3:19 p.m. We are now on the record.
4 This is the beginning of media one in
5 the deposition of Aricia Binder in the
6 matter of Peter DelVecchia, et al.,
7 versus Frontier Airlines, Inc., et al.
8 The case is in the United States
9 District Court for District of Nevada,
10 case number 2:19-CV-01322. Today's
11 location is 525 North Tryon Street,
12 Suite 1600, Charlotte, North Carolina
13 28202. My name is Chuck Habrack, I'm
14 the videographer. The court reporter
15 is Shannon Colangelo. We are
16 representing Queen City Court
17 Reporting. For the record, will
18 counsel please introduce yourselves and
19 whom you're representing, then the
20 court reporter will swear in the
21 witness.

22 MR. McKAY: I'm John McKay, I represent
23 Peter and Abezu DelVecchia.

24 MR. MARTIN: Matthew Martin from Adler
25 Murphy & McQuillen, representing the

1 defendants.

2 ARICIA BINDER, called as a witness, having been duly
3 sworn, was examined and testified as follows:

4 E X A M I N A T I O N (By Mr. McKay):

5 Q. Ms. Binder, my name is John McKay. We met off the
6 record. I'm going to be asking you some questions
7 about a flight in 2019, but, first of all, just for
8 the record, would you state and spell your name
9 please?

10 A. Aricia Binder, A-R-I-C-I-A, B-I-N-D-E-R.

11 Q. All right. Thank you. And where do you live?

12 A. 4475 S-A-L-U-D-A Road, Saluda Road, Rock Hill, two
13 words, R-O-C-K, H-I-L-L, South Carolina 29730.

14 Q. Perfect. Thank you. And I understand that you are a
15 registered nurse; is that right?

16 A. Correct.

17 Q. Okay. And so you do travel nursing?

18 A. Correct.

19 Q. And you're currently up in Winchester, Virginia, at a
20 hospital?

21 A. I am and that temporary address is 126 Braddock Road,
22 or avenue, sorry, in Winchester, Virginia.

23 Q. Okay. Now, as far as you know, in the next year or
24 so when this case goes to trial, will you likely be
25 outside of the state of Nevada?

1 A. Yes.

2 Q. Okay. This is a deposition and, I don't know, have
3 you ever had a deposition before?

4 A. No.

5 Q. Okay. It is an adjunct proceeding to the Court
6 proceeding that is pending in Las Vegas, Nevada. It
7 is obviously taking place outside of the courtroom.
8 There's no jury here, there's no judge here, but the
9 law treats everything that goes on here exactly as if
10 we were in a courtroom. So your testimony will be
11 treated exactly as if you had walked into a courtroom
12 in front of a judge and a jury, raised your hand,
13 sworn to tell the truth, and given testimony. And,
14 in fact, as I mentioned off the record, there's a
15 very good likelihood that a tape of your testimony
16 today will be shown to the judge and jury. So one of
17 the things that we have to bear in mind is that the
18 court reporter here to your right is taking down
19 everything that we say and doing so on a record that
20 will be typed up and will become an official
21 transcript of your testimony. It is very important
22 that we keep in mind her function, that she is taking
23 every word down, because if we both talk at the same
24 time, there's no way that she can accurately write
25 down what's being said.

1 Also, if we use nonverbal responses, like uh-huh
2 or uh-uh, that presents a problem for accuracy on the
3 record. So if that happens, I'll remind you, but if
4 you can just try to keep in mind that you need to say
5 yes and no or any other response with words, rather
6 than a nod of the head or one of those nonverbal
7 responses.

8 A. I voice understanding.

9 Q. Okay. And also make sure that I am finished asking
10 my question before you begin to answer yours. Okay?

11 A. Okay.

12 Q. If you do answer a question, we will all have to
13 assume that you understood it. So if you don't
14 understand what I'm asking you, by all means, say so
15 before you answer and I will do my best to rephrase
16 it or break it down or whatever needs to be done to
17 make it clear what I'm asking you so that we're both
18 on the same page. Please only testify about what you
19 saw, heard, or otherwise witnessed. Please don't
20 testify about anything you don't know, so don't
21 guess, don't say, well, that might have happened, or,
22 you know, I didn't see it, but, sure, that could have
23 happened. You know? That's not the kind of
24 testimony we want. We just want what you saw and
25 what you heard and leave it at that. Does that sound

1 good?

2 A. I voice understanding.

3 Q. Okay. So what is your highest level of education?

4 A. A master's degree.

5 Q. And that was in what?

6 A. Nursing.

7 Q. Okay. Where did you receive that?

8 A. Walden University.

9 Q. And are you employed by a particular company now?

10 A. Yes.

11 Q. Okay. Who is that?

12 A. Meeleo Melee.

13 Q. Can you spell that?

14 A. M-E-E-L-E-O Staffing Solutions.

15 Q. Okay. And they make the arrangements for the

16 visiting nurse arrangements?

17 A. They make the arrangements for the travel nursing.

18 Q. Okay. Thank you. Are you married?

19 A. No.

20 Q. Have you been married?

21 A. No.

22 Q. Okay. Do you have any children?

23 A. No.

24 Q. Okay. So I'm asking about a flight that was

25 designated as Frontier flight 2067. It occurred on

1 the evening of March 28, 2019, and it was a flight
2 that departed Raleigh-Durham International Airport
3 and landed at Las Vegas International Airport later
4 that evening. Do you remember that flight?

5 A. Yes.

6 Q. Okay. I'm going to show you what has previously been
7 marked as Christopher Campbell Deposition Exhibit 1
8 and I'll represent to you that these are my clients,
9 Peter and Abezu DelVecchia. Do you recognize them?

10 A. Yes.

11 Q. Okay. And did you see them on that flight?

12 A. Yes.

13 Q. When did you first see them?

14 A. After we -- after we sat down.

15 Q. In the plane?

16 A. Yes.

17 Q. Okay. And what did you notice about them when you
18 first saw them?

19 A. There was a young African-American male who was
20 younger than the Caucasian male.

21 Q. Okay. And what did you think when you saw them,
22 anything?

23 A. They were travelling together.

24 Q. Okay. Did you make any assumptions as to whether
25 they were related or not?

- 1 A. I felt like maybe that was his dad.
- 2 Q. Okay. And it was. Did you make any observations
3 that led you to believe that they were doing anything
4 wrong or inappropriate?
- 5 A. Not at first.
- 6 Q. Not at first, okay. When did you make any
7 observation that caused you to think they were doing
8 something inappropriate?
- 9 A. When the young boy dropped his phone.
- 10 Q. Okay. And when did that happen in the flight?
- 11 A. While we were in the sky somewhere.
- 12 Q. Okay. Why did his dropping the phone make you think
13 that?
- 14 A. Because I had to bend down and reach it to him, but I
15 could not reach it so the person in the middle seat
16 bent down and reached it to him and she alerted to me
17 that he didn't have on shoes.
- 18 Q. Okay. Did you look at his feet?
- 19 A. I did.
- 20 Q. And what did you see?
- 21 A. I didn't see shoes.
- 22 Q. Did he have socks on?
- 23 A. He didn't.
- 24 Q. Did or did not?
- 25 A. He did not have socks.

1 Q. Okay. So what did that make you think?

2 A. He could have had on flip-flops and broke them or
3 someone took his shoes.

4 Q. Okay. Was that the only thing that you thought was
5 unusual about him?

6 A. He rang for assistance or either assistance came to
7 him. I don't know whether he initiated the
8 assistance or not, but somehow assistance came to
9 him.

10 Q. Okay. Let me back up and just establish where
11 everybody is sitting at this point when that
12 happened. Where were my clients seated in relation
13 to where you were seated at that time?

14 A. The younger client, the male African-American, was
15 directly in front of me.

16 Q. Okay. And so where were you seated? Were you in a
17 window asset?

18 A. I was.

19 Q. Okay. And was that the row directly behind him?

20 A. That was the row directly behind him.

21 Q. Okay. And I understand you were also traveling with
22 your mother?

23 A. I was.

24 Q. Doris Wright?

25 A. Yes.

1 Q. And a friend?

2 A. Correct.

3 Q. And what was the friend's name?

4 A. I prefer not to mention it.

5 Q. Oh, well, we have everybody's names.

6 A. Okay.

7 Q. So we just need to know.

8 A. I know that she told me that she wasn't -- didn't

9 want to be involved so I don't want to mention her

10 name.

11 Q. I see. Okay. Well, did she say that she remembered

12 anything from the flight?

13 A. She did say that she did not remember anything from

14 the flight.

15 Q. Okay. Well, let me just ask you this. Was she

16 seated next to you and your mother?

17 A. She was.

18 Q. Was she in the aisle seat?

19 A. She was not.

20 Q. Was she in the middle seat?

21 A. She was.

22 Q. Okay. So you were in the aisle seat, right?

23 A. I was in the window seat.

24 Q. You were in the window seat, I'm sorry, yes. Okay.

25 Who's on first? Who was in the aisle seat?

- 1 A. My mother.
- 2 Q. Your mother, okay. Perfect. So do you remember
- 3 where the father was seated?
- 4 A. In the middle seat in front of my friend.
- 5 Q. Okay. And do you remember who was in the aisle seat
- 6 in front of your mother?
- 7 A. A random person who didn't participate in our
- 8 travels.
- 9 Q. Okay. All right. So at some point, you said that a
- 10 -- was it a flight attendant that came to the row
- 11 ahead of you?
- 12 A. I do remember a flight attendant coming to the row
- 13 ahead of me.
- 14 Q. Was that a male flight attendant or female?
- 15 A. I can't remember.
- 16 Q. Do you remember what race?
- 17 A. Caucasian.
- 18 Q. Okay. And what did you observe that Caucasian flight
- 19 attendant doing?
- 20 A. Leaning forward.
- 21 Q. Forward toward the front of the plane or forward
- 22 toward the occupants of the row?
- 23 A. Leaning toward the occupants of the row. I
- 24 apologize.
- 25 Q. Okay. And did you hear anything that that person

1 said?

2 A. I heard, "Come with me."

3 Q. Okay. And who was that said to?

4 A. The younger African-American son, but there was some
5 other words before that. But, I heard come with me
6 and a hand gesture, as I know hand gestures aren't
7 allowed in here. But, I can show the hand gesture.

8 Q. Sure, it's allowed.

9 A. It was like this (indicating).

10 Q. Okay. And was that -- did you see the hand --

11 A. More I saw the extension and then the motion of the
12 hand -- not the fingers, I'm sorry, the motion of the
13 arm.

14 Q. Okay. All right. Do you know what the father was
15 doing at that point?

16 A. Negating if the son should go with the flight
17 attendant.

18 Q. Okay. Were they still seated at that point?

19 A. Yes.

20 Q. Okay. Had you noticed what they were doing before
21 the flight attendant came?

22 A. No. They were sitting in their seats though.

23 Q. Okay. And were you able to see between the seats?

24 A. At one point in time, yes, because that's where my
25 friend gave him his phone back.

1 Q. Okay.

2 A. In between the seats.

3 Q. Oh, I see. Okay. So the phone dropped into your

4 area?

5 A. On the floor --

6 Q. Okay?

7 A. -- of the plane.

8 Q. Okay. All right. And your friend helped to fish it

9 out from --

10 A. On the floor of the plane, but reached it in the

11 middle of the seats, so, yes, there was a view in the

12 middle of the seat.

13 Q. Okay. Prior to that point, had you looked up between

14 the seats to see them?

15 A. When they came on, but not in between the seats. I

16 could see them when they came on because we were

17 already seated. I saw them more above the seat.

18 Q. Okay. Did you see them get reseated out of the

19 emergency aisle?

20 A. I didn't.

21 Q. Okay. Did you ever notice either of them doing

22 anything that you would consider inappropriate?

23 A. I think he -- I think the young boy might have gotten

24 up to use the bathroom and that's not inappropriate

25 so that would be the only thing I remember him

1 getting up to do.

2 Q. Okay.

3 A. And I don't know whether he went to the bathroom or
4 not. He got up from his seat.

5 Q. Okay. Did you hear anything more after the flight
6 attendant said come with me? Did you hear anything
7 more that the flight attendant said?

8 A. Did I hear what the flight attendant said?

9 Q. Yeah. We'll do that first and then I'll ask you
10 anything else you heard.

11 A. Not really. I couldn't say I heard what the flight
12 attendant said.

13 Q. Did you know what the flight attendant was
14 communicating?

15 A. It was more so saying that he has to come with him
16 and we'll sort this out when we get to Las Vegas, but
17 I didn't hear the words that he used.

18 Q. Okay. And did you hear what either the father or the
19 son were saying?

20 A. It sounded like the father was stating, "This is my
21 son. No, no. This is my son", like negating that
22 his son was going to go with him alone, which, for
23 safety reasons, it made sense.

24 Q. That he --

25 A. Did not.

1 Q. -- the father wouldn't want him to go with him?

2 A. Right.

3 Q. Right. And did the flight attendant prevent the

4 father from going with him?

5 A. The father had to stay in his seat.

6 Q. The flight attendant said that?

7 A. No. But, he didn't go and he did want to go.

8 Q. Okay.

9 A. So words were said and he did not go versus him

10 wanting to go.

11 Q. Okay.

12 A. So I would say a prevention was verbalized.

13 Q. Okay. Were there any other people in the vicinity,

14 in the aisle I want to say, other than the flight

15 attendant and the father and the son?

16 A. Passengers.

17 Q. Standing?

18 A. Are you asking passengers?

19 Q. Well, it could either be passengers or other crew

20 members of the flight.

21 A. I remember other crew members of the flight.

22 Q. Okay. Do you remember how many?

23 A. I don't remember how many.

24 Q. Okay. Male or female?

25 A. Some females.

1 Q. Okay. Any males?

2 A. Yes.

3 Q. Okay. Do you remember anyone's races?

4 A. I don't remember it being a particular race, you
5 know, I just remember, you know, flight attendants
6 coming to help.

7 Q. Okay.

8 A. After the one that was there initially was a
9 Caucasian male.

10 Q. Okay.

11 A. There was additional attendants, but I don't remember
12 their race.

13 Q. Okay. And so we established that the father wanted
14 to go to the back, but couldn't.

15 A. I think it was the front he wanted to go to.

16 Q. Oh, well, which way, front or back, did they take the
17 child?

18 A. To the front.

19 Q. They took the child to the front?

20 A. Uh-huh.

21 Q. Oh, okay. And did you ever see the child again after
22 that?

23 A. I remember seeing him when we got off the plane.

24 Q. Okay. What did he -- how did he appear to you at
25 that point?

1 A. Dishevelled, still without shoes, like he wanted to
2 say something, but didn't know what to say.

3 Q. Okay. Did he look confused or upset?

4 A. He did look confused.

5 Q. Okay. Did he look like he had been crying?

6 A. He definitely looked upset. I can't say whether he
7 had been crying or not, but definitely like a sense
8 of confusion or upset because he had been separated
9 from the person who he came on the plane with or some
10 type of separation. You could tell there was some
11 sense of either fear or just confusion of I don't
12 know what to do.

13 Q. Was he seated at that time?

14 A. He was standing.

15 Q. Okay. And was that up near the front of the plane?

16 A. Yes.

17 Q. Was there someone else with him?

18 A. Security.

19 Q. Oh. And how did you know they were security?

20 A. From what they had on.

21 Q. Uniforms?

22 A. Yeah.

23 Q. Okay. And were those people who had come onto the
24 plane after it landed?

25 A. Uh-huh. They were on the outskirt of the plane. I

1 wouldn't say they were on the plane. But, they were
2 -- when you get off the plane in the loading or
3 docking area.

4 Q. Sure. How many did you observe?

5 A. One or two.

6 Q. Okay. When you saw the father and son being
7 separated on the flight, what did you think was
8 happening?

9 A. Well, the first thing I thought was something is not
10 right, with the shoes not being there. And me being
11 a nurse, I always think of safety first. I wanted to
12 think about was he okay, was the boy okay. And I
13 remember asking, "Are you okay?" And he didn't say
14 anything.

15 Q. Okay.

16 A. I don't know whether he even spoke English or not.

17 Q. And why would you think he?

18 A. Because he didn't respond when I asked him was he
19 okay.

20 Q. Okay. But, was there anything about --

21 COURT REPORTER: Because he didn't
22 respond when I asked him was he okay.

23 MR. McKAY: Okay.

24 Q. I'm just curious about the English language issue.
25 Was there something about his appearance that made

1 you think that he was foreign?

2 A. Well, I went to school with a lot of different
3 nationalities, so I could tell that he was wasn't of
4 the African-American descent.

5 Q. Okay. So he looked more African than
6 African-American?

7 A. Correct.

8 Q. Okay. Did you reach any thoughts as to whether any
9 sort of crying was occurring?

10 A. That crossed my mind.

11 Q. It did? Okay. So did you think that the father and
12 the son were participants in some sort of criminal
13 activity?

14 A. It crossed my mind and I felt like the flight
15 attendants were possibly acting on a safety
16 precaution more than anything and maybe wanting to
17 get to the bottom of the different things such as,
18 you know, no shoes, a phone dropping, and is that a
19 sign or alert for some other sign, the
20 noncommunication barrier, that being a big issue, the
21 different races. I saw maybe something that people
22 who looked didn't have, you know, not a lot of
23 cultural competency about and made different
24 stereotypical ideas in their mind about and maybe
25 that could have shooed a different attendant on the

1 flight to go a different route than someone else
2 would have went or acted in a different manner
3 following a different protocol.

4 Q. Okay. Do you think that flight attendants should be
5 trained in antidiscrimination?

6 MR. MARTIN: Object to the form.

7 A. Absolutely.

8 Q. And do you think that allowing people to act on
9 stereotypes is a bad idea on airplanes?

10 MR. MARTIN: Object to form.

11 A. Absolutely.

12 Q. And did you think that that was what was happening
13 here?

14 MR. MARTIN: Same objection.

15 A. It's actually happened to me before on a Frontier
16 plane so it could have happened to them.

17 Q. Okay. What happened to you on a Frontier plane?

18 A. On my recent flight to Las Vegas, I had seat two,
19 which is, you know, pretty close to the front. I had
20 priority seating, I had a selection seating, and I
21 had even handicap assistance seating because I had
22 just had a procedure, and I was told to move my -- to
23 not put my bag in a certain area which was marked for
24 that cabin area for my bag. I was told to -- I
25 couldn't put -- I said, "Well, can I have another

1 option of putting it under my seat? This is my
2 personal item, my purse?" I wasn't given that
3 option. I was told I was being confrontational when
4 I asked for another option besides putting my bag
5 further. Then I got assistance to get on the plane
6 and I noticed that other people who sat around me of
7 the same race as the flight attendant, they got
8 assistance with their bags, literally she went and
9 picked up their bags and took them to the area that
10 she went to take my bag -- that she asked me to take
11 my bag to. And, yes, she did ask me to take my bag
12 there. It was just the fact of putting it over my
13 head. I'm not supposed to lift 20 pounds, but she
14 did know that. She just -- but, she did know that I
15 had a handicap assisted seat, I had priority seating,
16 priority boarding, and those are things that you pay
17 for. So if you're going to pay for those things, why
18 can't I get the same assistance as everybody else in
19 that same area. And I noticed it and she told her
20 other flight attendant, "I'm going to get her put
21 off", went and told the captain something, I don't
22 know, because when the person from Frontier came on
23 the plane, they told me that the pilot wants me off
24 the plane. I said, "I've never spoken to the pilot."
25 They said, "Well, she called and said that the pilot

1 said they want you off." I said, "oh, so they all
2 combined together". And when I say they, it was
3 three Caucasian people. And I noticed everyone else
4 in rows one, two, three where I was at on both sides,
5 left and right, were all Caucasian and she told me
6 she just didn't want to ride -- she just didn't want
7 me to ride on her plane. She made it -- I made a
8 complaint and everything because I cried because of
9 the abuse and objections that she gave me, either
10 hand gestures in my face, coming above the seat,
11 telling me, "You're being confrontational, I'm going
12 to get you removed."

13 So I have witnessed that before with Frontier
14 after this, because that happened in 2019 and this
15 happened literally in 2022, October.

16 Q. Okay. And you were actually put off the plane?

17 A. I was asked to get off the plane.

18 Q. How did you get to your designation?

19 A. I had to book another flight.

20 Q. You said you made a complaint to Frontier?

21 A. I did.

22 Q. What happened with the complaint?

23 A. Nothing.

24 Q. Did they respond to you?

25 A. They did, only because I called multiple times on my

1 vacation, as a matter of fact, because I couldn't --
2 I wasn't at peace with how I felt and how I had to
3 delay my vacation time for arrival. And they told me
4 that they would follow-up with me via e-mail within
5 so many days and let me know what they could do. And
6 I said, "I don't want to ride back on that same plane
7 with that person." And I noticed that, all of a
8 sudden, my priority seating was not available
9 anymore. When I got back on the plane, I -- no
10 longer was I in rows one, three, five. They weren't
11 even -- I was all the way back in 17 and 22. There
12 was no options for me to move up. I definitely
13 noticed a difference.

14 Q. When was -- when was this other flight?

15 A. I left October 25th. Departure was October -- I
16 arrived in Vegas October 22, 2022, and departed
17 October 25th -- October 25, 2022.

18 Q. Okay. So where was the flight that you were put off
19 of?

20 A. I was in -- what city was I in?

21 Q. Yes.

22 A. I was in D.C.

23 Q. And where were you going to?

24 A. Las Vegas.

25 Q. Okay.

1 A. But, I had a layover, so -- the layover was in -- and
2 that was the thing. I had just had a layover for
3 such a long time, I said, man, I've been waiting for
4 over 12 hours for layover and you're going to put me
5 off this plane. And she was like, "yeah, you're not
6 flying with us." But, I forgot why I had the
7 layover.

8 Q. So you had a layover in D.C.?

9 A. No, I flew out of D.C.

10 Q. Okay.

11 A. And had the layover in -- crap. Because that was my
12 first time ever flying out of D.C., because, like I
13 said, I had just moved to this area for work.

14 Q. Okay.

15 A. So, I flew out of D.C. and I had a layover in -- I
16 think it was New York. I have it on my phone.

17 Q. So being put off the plane occurred in New York?

18 A. Uh-huh, where I had the layover and had to get on the
19 plane again to go to straight to Las Vegas, the Las
20 Vegas flight.

21 Q. Okay.

22 A. Yeah.

23 Q. But, when you got on a plane again, that was a
24 different flight?

25 A. Yes.

1 Q. Okay.

2 A. Yes, I had to wait for a different plane.

3 Q. Yeah, because you were not allowed to fly on the
4 first plane you said?

5 A. That's correct.

6 Q. Okay. And did they get back to you by e-mail?

7 A. They did. They told me they were sorry about what
8 encountered and I could use a ten percent off of a
9 next flight.

10 Q. Did they tell you that they did not think it was
11 discrimination?

12 MR. MARTIN: Object to form.

13 A. Nope. No, and I asked them to do an investigation
14 definitely because even the lady that sat in front of
15 me, she asked me, "Are you okay? Are you okay?",
16 before I got off the plane.

17 Q. The Caucasian passenger?

18 A. Well, she asked me if I was okay, yeah.

19 Q. That was a passenger?

20 A. Uh-huh.

21 Q. Okay. So I just want to make sure that your answer
22 was clear or that I understood it. When they sent
23 you an e-mail, did they say whether or not they
24 thought it was discrimination?

25 A. No. They just told me that they apologized for the

1 inconvenience.

2 Q. Okay. All right. Did they -- did they address the
3 discrimination aspect of it at all?

4 A. Not at all.

5 Q. Okay.

6 A. Not at all.

7 Q. When you asked for an investigation, what happened?

8 A. I asked for it, but that didn't happen and I was -- I
9 literally did a complaint on the phone with two
10 different people over 30 minutes a piece. I mean, I
11 was in tears when I was talking to her and she kept
12 telling me how apologetic she was and I said, "I
13 thank you for being apologetic, but that's not what
14 I'm looking for at this point. If this is happening
15 to me, I wonder how many other nonverbal people this
16 is happening to."

17 Q. And have you heard of other people it's happened to?

18 A. I haven't. I'm just an advocate naturally.

19 Q. Okay. Yeah. Do you think that Frontier acted
20 appropriately with respect to you?

21 A. I don't, not on that plane. Even when the other lady
22 came on the plane, she asked the attendants what
23 happened. And I sat on the plane as she told a story
24 and said, "She's being disruptive". And I waited to
25 see if she was going to ask me if anything, you know,

1 "What is your side?" Or, "ma'am, what is your take
2 on it?" That way the other lady who was beside me
3 could crime in. And she didn't. She -- I said, "Is
4 this the way it works? If she wants me off the
5 plane, I just get off of the plane? Is this her
6 plane?" She said -- and that's when she notified me
7 that she didn't ask you to get off the plane. I
8 said, "Well, who did?" And she said, "Well, it was
9 the pilot". She called it that the pilot asked you
10 to get off the plane." So that was when I noticed,
11 oh, that must be when they all were talking about me
12 up front and saying things like, "Oh, she's being
13 disruptive or I'm going to get her off or she's not
14 flying, she's not going." Like, she was basically
15 telling her other flight attendant to be onboard with
16 her. She was a younger Caucasian lady. You could
17 tell she was the senior. And then she also went in
18 the cockpit, told the pilot something, obviously to
19 get his permission to make the call to the desk to
20 tell the person at the desk who checked me in to come
21 and remove me off the plane.

22 I said, "What do you mean, remove me off the
23 plane?" She said, "You have to get off." She said,
24 "They want you off." I said, "Who is they?" And
25 that's when she told me the pilot, the pilot called,

1 she called because the pilot requested you to get
2 off. I said, "What? I didn't speak to the pilot."
3 So I knew at that time they had all confided together
4 to get me off the plane. There was nothing I could
5 do. I said, "Does my side of the story even count?
6 Can I verbalize that?" She said, "I mean, you can,
7 but it's not going to do anything. They still want
8 you off." And she did her shoulders like that. Like
9 either way, you go. If you sit here and talk to me,
10 you can be as polite as you want, it's not going to
11 change their mind and you're going to basically make
12 everyone around you look at you ugly, which now
13 they're looking at me like -- we were ready to go at
14 think point because I'm like, I'm not -- I wasn't
15 going anywhere because I felt like she can't make me
16 get off the flight, I didn't do anything, I put my
17 bag up under the seat where it can go. I just didn't
18 put it in the back because I can't lift it over my
19 head and you didn't offer that. And that was when
20 she said, "You're being confrontational", leaning
21 over the seat with her hand in my face. So that -- I
22 just sat back, closed my eyes and said a prayer and
23 by that time everybody got on. That's when I
24 observed and heard her asking other people, "Can I
25 put your bag here? You know, our first two bins are

1 full". Because her personal items were in the first
2 two bins, of course, and she didn't want her personal
3 items to be within her line of sight. Of course, she
4 could have used her little small bin, but that would
5 have been too small for her so she used one and two.
6 And that's fine if you use one and two, but I had
7 seat three, so why can't I use three? Well, you know
8 why I couldn't use three? She said because three is
9 reserved for seats one and two. I said, "One and two
10 should be reserved for one and two. I'm in three, I
11 should use three." She said, "You're causing
12 problems, aren't you?" Yeah. More like I was the
13 problem when I was just stating the facts. This is
14 where -- it's an empty bin, there's nobody's stuff
15 here. I got on first, I'm the priority boarder, I
16 paid for this service, my stuff should go here. But
17 she did not want my stuff there.

18 Q. Do you feel that anything that you said could
19 objectively be viewed as confrontational?

20 MR. MARTIN: Object to form.

21 A. When I was on the plane?

22 Q. Yes.

23 A. Definitely because I told her she was -- I told her
24 -- I said, "Is it the color of my skin?" I actually
25 said that to her because I felt it. I mean, it was

1 everybody coming for me. It was her, it was her
2 flight attendant, and I saw her gearing her up to
3 say, like, yep, she is being confrontational, I hear
4 her not wanting to put her bag in the bin number
5 five. I hear her saying why didn't you offer her an
6 under the seat option when that is truly an option
7 that she can put her stuff under the seats, just
8 stating the facts because I'm an experienced
9 traveller. So those things can come off as objective
10 to someone who didn't offer those things to you and
11 they're telling you other things versus giving you an
12 option. I've always been told you give a person one
13 or two options and that way they'll feel like, you
14 know, they have some say so, versus you telling them
15 what to do. So she was trying to be a very
16 democratic leader on that plane.

17 Q. So did you think she was being confrontational with
18 you because of the color of your skin?

19 A. Absolutely. She didn't want my skin color to be
20 within her peripheral eyesight while she was put --
21 while she was sitting in the area. I could tell.
22 And there was no other people in that area who were
23 African-American. That flight was not full because
24 it was a 4:30 flight and the flight after that was
25 completely full. And of course she knew that. And

1 the flight after that was completely full, causing me
2 to have to fly another day after. And, of course
3 they know their routes, so I do feel that it was
4 planned.

5 Q. And did it seem to you that Frontier, as a company,
6 was standing behind her?

7 MR. MARTIN: Object to form.

8 A. I don't feel the outcome of 10 percent off, when my
9 flight gave me 10 percent off just for paying in
10 advance versus not breaking down the payment was a
11 fair deal. I mean, to be honest, I gave you your
12 money up front. What are you doing in this case.

13 Q. Did you ever get the names of the flight attendants
14 or pilots?

15 A. I did get the flight attendant's name and I did write
16 it down and I did say it on a voice recording.

17 Q. Do you know what it was?

18 A. I don't remember it off the top of my head. I'd be
19 lying if I --

20 Q. Do you have it on your phone?

21 A. In the e-mail.

22 Q. Yeah. Can you look for that?

23 A. Yeah.

24 Q. Okay.

25 A. And it's a \$25 voucher, for the record. I apologize.

1 It wasn't 10 percent.

2 Q. Okay. Thank you. And only usable if you flew
3 Frontier again?

4 A. Of course. We issued you a \$25 voucher to use
5 towards your future travels. Destiny.

6 Q. Destiny was her name?

7 A. Yes.

8 Q. Okay. Let's get back to the DelVecchias. Did you --
9 did you see the male flight attendant when he was
10 leaning toward the young man? Did you see anything
11 about what he might have done with the father?

12 MR. MARTIN: Object to form;
13 mischaracterizes testimony. Didn't say
14 male flight attendant.

15 A. What did he do with the father?

16 Q. Yes. What -- did you see the flight -- male flight
17 attendant come into contact, bodily contact, at all,
18 with the father?

19 MR. MARTIN: Object to the form;
20 mischaracterizes testimony.

21 A. I did not. I did not see the male flight attendant
22 come into contact with the father.

23 Q. Okay. And I do apologize. Now I understand
24 Mr. Martin's objections. You had testified it was a
25 female flight attendant who leaned in; is that right?

1 A. (The witness gave a nonverbal answer.)

2 Q. Okay. How about the female flight attendant, did you
3 see her come into contact with the father?

4 A. I didn't see either female flight attendant come into
5 contact with the father.

6 Q. Was -- at that point in time, was the back of his
7 seat between you and your being able to see what was
8 going on up there? Let me -- strike that.

9 At the time that you were seated, was your view of
10 the DelVecchias blocked by the backs of the seats?

11 A. Yes.

12 Q. Okay. Did you -- have you testified about every
13 observation that you made of the DelVecchias on the
14 flight?

15 A. Yes.

16 Q. Okay. And have you testified about everything that
17 you heard or saw the flight attendants doing with
18 respect to the DelVecchias?

19 A. Yes.

20 Q. Okay. That's all the questions that I have.

21 Mr. Martin, I'm sure, will have some.

22 MR. MARTIN: I'm going to have a few.

23 Are you okay? Do you want to take a
24 break or anything before I --

25 THE WITNESS: I think I had a cup of

1 water I can go tet.

2 MR. MARTIN: We can go off the record.

3 VIDEOGRAPHER: The time is 3:58 p.m. We
4 are off the record.

5 (WHEREUPON, a recess was taken.)

6 VIDEOGRAPHER: The time is 4:01 p.m. We
7 are back on the record.

8 CROSS-EXAMINATION (By Mr. Martin):

9 Q. Okay, ma'am. I have a few followup questions and
10 it's going to be kind of maybe skipping around a
11 little bit. I just want to make sure I cover
12 everything to make sure I understand the testimony
13 that you gave to Mr. McKay earlier. Do you happen to
14 recall the row number you were seated in, by chance,
15 on Flight 2067?

16 A. I'm sorry. I don't recall the row number.

17 Q. And that's okay. If you're -- say you're on the
18 plane and you're looking towards the front. Do you
19 recall if you were on the left side of the aisle or
20 the right side of the aisle?

21 A. If I'm on the plane, I'm looking towards the front, I
22 would be on the right side.

23 Q. Okay. And that's for the flight that we're here for
24 the lawsuit, correct?

25 A. Yes, sir.

- 1 Q. Because I know we talked about another one.
- 2 A. You are correct.
- 3 Q. So you were on the right side of the plane, correct?
- 4 A. Yes, sir.
- 5 Q. And you were in the window seat, correct?
- 6 A. Yes, sir.
- 7 Q. And you had the companion of your party to your left?
- 8 A. Yes, sir.
- 9 Q. And your mother was two to your left, correct?
- 10 A. Yes, sir.
- 11 Q. And you recall that the plaintiffs, who you saw a
- 12 picture of, were in the row immediately in front of
- 13 you, correct?
- 14 A. Yes, sir.
- 15 Q. And the young boy was in the seat directly in front
- 16 of you, correct?
- 17 A. Yes.
- 18 Q. And then the white male was in the seat directly in
- 19 front of your travelling companion, correct?
- 20 A. Yes.
- 21 Q. And I think -- and, again, we've been over a lot.
- 22 Forgive me if I -- if you said it before, but do you
- 23 recall anything about the person who would have been
- 24 seated to the left of the white male?
- 25 A. I know there was someone there.

1 Q. You just don't recall anything about that?

2 A. I don't. I'm sorry.

3 Q. It's been three-and-a-half years. It's okay. So at
4 a certain point of your testimony, you said that your
5 traveling companion had alerted you that the person
6 who was sitting in front of you didn't have their
7 shoes or socks on, correct?

8 A. Yes.

9 Q. Was there -- I mean, was it just that fact occurring
10 or was there some more significance that made that
11 stand out to you?

12 A. I've never seen anyone travel without socks or shoes
13 who didn't have a risk for flight or wasn't in a
14 flight risk. So I guess what I think about, as I
15 said, for safety, that's a fall risk. So, number
16 one, if you don't have on socks, you can slide. If
17 you don't have on shoes, I might can understand that,
18 your feet hurt, but socks or shoes -- are the socks
19 and shoes missing? I'm thinking are the socks and
20 shoes wet? Where are his socks and shoes. That's
21 all you think about. So that's probably what made
22 her say, Aricia, he doesn't have on any socks and
23 shoes. That's when my mind started to think -- I
24 don't know what her mind was thinking, but those are
25 the things that my mind were thinking.

1 Q. Okay. Do you recall ever seeing the plaintiffs
2 before you got on the aircraft?

3 A. Before I got on the aircraft, no.

4 Q. And can you just tell me again when you recall first
5 seeing them when they got on the aircraft?

6 A. I'm remember having priority boarding with my mom, to
7 help her to her seat, so I was already in my seat
8 because I was in the inner seat and she was already
9 in her seat, so I just wanted to make sure everybody
10 had everything situated. So I remember them walking
11 towards us as we were seated in our seat.

12 Q. With your mother being a priority boarder, were you
13 and your mother and your companion some of the first
14 to board the aircraft?

15 A. Yes, sir.

16 Q. As the plaintiffs approached you and sat in their
17 row, did you hear any conversations that they were
18 having?

19 A. No, sir.

20 Q. During the flight, did you hear any conversations
21 they were having?

22 A. No, sir.

23 Q. Could you -- I mean besides the shoes, did you ever
24 -- were ever able to see between the seats or see
25 anything that they were doing during the flight?

1 A. No, sir.

2 Q. And then you talked about at a certain point in the
3 flight when the flight attendant came to that row in
4 front of you, correct?

5 A. Yes, sir.

6 Q. Do you recall at all approximately when in the flight
7 that was?

8 A. It was after the cellphone had dropped and we were,
9 you know -- take off and our seatbelts on, but I
10 don't know how far we were throughout the flight
11 because it's a long flight.

12 Q. Do you recall if you were awake for the whole flight?

13 A. I do -- I do know I went to sleep.

14 Q. You did go to sleep?

15 A. I went to sleep.

16 Q. Do you recall for approximately how long you slept?

17 A. I like dozed off and on because I wasn't comfortable,
18 so I -- but I can say I dozed off and on. I did go
19 to sleep sometimes. I didn't have anything to
20 support, but my head on the window, but I did go to
21 sleep.

22 Q. The flight attendant that came from Frontier, I think
23 you said you recall her being Caucasian; is that
24 correct?

25 A. Yes, sir. I'm sorry.

1 Q. That's okay.

2 A. I apologize.

3 Q. Do you remember any of her -- any physical

4 characteristics that would describe her?

5 A. Her hair was really pretty. I remember curls. The

6 only reason is because I love hair.

7 Q. Do you recall her hair color?

8 A. Brown.

9 Q. Do you recall if she was --

10 A. Like tall or short?

11 Q. Or -- yeah. Start with that.

12 A. Just a normal -- well, I can't say what normal is.

13 So five -- I don't know. I don't know.

14 Q. That's okay. And we don't need to you speculate.

15 A. I don't know. Right.

16 Q. Do you remember if she was older or younger?

17 A. She was younger.

18 Q. Like younger in her 20s, younger in her 30s?

19 A. I would say 30s.

20 Q. Besides that particular flight attendant, do you

21 recall how many other flight attendants there were on

22 that flight?

23 A. How many other flight attendants were on the flight

24 completely? I don't recall, but you-- standard is

25 about four.

1 Q. Do you recall anything about physical characteristics
2 of any of the other flight attendants, however many
3 there were?

4 A. No, sir.

5 Q. Do you recall interacting yourself with any of the
6 flight attendants?

7 A. Yes, for drinks.

8 Q. Okay. And do you recall which ones or one you
9 interacted with?

10 A. No, I don't remember who I interacted with, just I
11 remember the person came by and offered a water. I
12 got a water. I didn't purchase anything. I just got
13 the complimentary water. So it was two people.

14 Q. Were they pushing a cart?

15 A. Yes, sir.

16 Q. Do you recall the -- what the -- let's just say from
17 a few minutes after takeoff and until before landing,
18 so like during the middle part of the flight, do you
19 remember what the lighting was like in the aircraft?

20 A. I remember laying down and going to -- like laying my
21 head against the window and going to sleep, so I do
22 think it was a little dark. I want to say they did
23 darken the lights because I was able to take a nap.
24 But, I can't recall. I could have just closed my
25 eyes.

- 1 Q. Going back just a second to the cellphone dropping,
2 you said -- was it your friend that picked up the
3 cellphone?
- 4 A. Yes. I could not reach the cellphone.
- 5 Q. Did she hand it back to someone in the row in front
6 of her?
- 7 A. She put it -- she reached it between the seats, so I
8 don't know whether -- I think the boy got it. I
9 think he's the one that got the phone back.
- 10 Q. Do you recall if he said anything to her when he did?
- 11 A. He didn't because she was asleep when the phone
12 dropped and that's what woke her up and it woke -- I
13 wasn't asleep, but I couldn't reach the phone, but I
14 kind of like gave her a nudge to say can you reach
15 that because I heard someone's phone drop.
- 16 Q. Was there anyone else with the female Caucasian
17 flight attendant that came to the row in front of
18 you?
- 19 A. Yes, there was -- I mean, there was multiple flight
20 attendants at that row.
- 21 Q. How did you know they were flight attendants?
- 22 A. Well, I guess there were multiple people standing up
23 at that row.
- 24 Q. Do you recall anything else about -- anyone besides
25 that Caucasian flight attendant?

1 A. A male. There was a male.

2 Q. Do you recall anything about the male?

3 A. Not particularly.

4 Q. And I think you said -- and if I'm wrong, obviously,

5 please correct me, but you saw a hand gesture which

6 you demonstrated for us and then you heard someone

7 say, "Come with me." Is that accurate?

8 A. Yes.

9 Q. Was there anything else about the interaction that

10 you witnessed?

11 A. No other forms of interaction I witnessed.

12 Q. And you said it was just the younger male that was

13 taken behind you; is that correct?

14 A. He was in front of me. I know that both of you guys

15 keep saying behind me, but he was in front of me.

16 Q. Well, right. So he had been seated in front of you

17 and then when the flight attendant came to the row

18 and said come with me, where did the person who went

19 with her go?

20 A. Well, I saw them at the front of the flight when I

21 got off the flight, so that's where I observed them

22 at together.

23 Q. So when she took the younger male out of the row --

24 A. I just -- yeah, I didn't like pay attention to where

25 they went. I just remember them being up at the

1 front by the time I got off the flight.

2 Q. I see. Just to kind of complete that right now, did
3 you -- were you one of the last to leave because of
4 the priority boarding status or for another reason,
5 if you recall?

6 A. I wasn't the last to leave. I was -- I got off after
7 that row. I -- just airplane etiquette because they
8 were seated in front. But, I didn't wait for the
9 people behind me to go.

10 Q. So after the young male -- so the young male is taken
11 away, but you don't know where to; is that fair?

12 A. I saw him at the front of the plane before I left the
13 plane.

14 Q. Okay. So at some point between when he was taken out
15 of the row in front of you and when you left the
16 plane, he ended up in the front of the plane?

17 A. Uh-huh.

18 Q. Between that time, you don't know where he went?

19 A. I know he didn't -- the father kept looking for him
20 and he couldn't find him because that's when I
21 noticed him doing this gesture a lot (indicating).
22 My phone just dropped.

23 Q. That's okay. So fair to paraphrase you were
24 demonstrating him looking over his shoulder?

25 A. He was looking for his son.

1 Q. So the -- while you were on the aircraft, did you
2 ever hear anything to the effect of that they were
3 father and son?

4 A. I heard him say, "That's my son."

5 Q. Was that around the time that the son was taken out
6 of that row?

7 A. When they were trying to -- before they took him.

8 Q. Okay. So then after the young male was taken out of
9 the row in front of you, the older male stayed in
10 that row, correct?

11 A. He did say stay in that row, seated. He didn't get
12 up.

13 Q. So you never saw him get up after the young male was
14 taken out of that row?

15 A. He -- he didn't get up at that time. They made him
16 sit down and they removed the son first. Like he
17 wanted to go with him, but they didn't go together is
18 what I'm stating. They removed one passenger at a
19 time and then if he got up later, I didn't see him
20 get up. I just saw him doing that gesture looking
21 for him because I noticed his son didn't come back to
22 his seat.

23 Q. Did you recall anything else the older male said at
24 all during the rest of the flight?

25 A. He just looked like he was looking for his son. I

1 didn't recall the words. I could just see it on his
2 face that he was worried.

3 Q. After that separation happened, did you ever go to
4 the back of the aircraft just to go to the bathroom?

5 A. Uh-uh.

6 Q. No?

7 A. I did not go to the restroom at the back of the
8 aircraft after that happened.

9 Q. When you were speaking with Mr. McKay, I just have
10 written at some point you said crime crossed your
11 mind; do you recall that exchange with him?

12 A. Uh-huh. Yes.

13 Q. Can you just kind of maybe expand a bit on what you
14 meant by that?

15 A. The flight risk comment? I guess in the hospital, we
16 use the term flight risk for runners, for people who
17 are -- who can leave if you leave a door open, like
18 wanderers and things like that, so they are a risk
19 for leaving, flight risk. So I think about the
20 things that you would do if you were trying to
21 prevent a person to leave, you would remove certain
22 things from them. So I was wondering if his shoes
23 were removed from him, like for a flight risk reason.
24 Is he a risk for flight for leaving? Because some
25 people, if he was a new -- maybe -- now, this is my

1 mind. Say if he was a new adopted son, you know,
2 because I heard him say my son. So say this was a
3 new adoption and he has went and legally adopted his
4 son, but he was an older young guy, maybe he didn't
5 feel as though he wanted to go. Would he be scared
6 that he could run away? I mean, there are a lot of
7 different things. I think about the movie Losing
8 Isaiah with Halle Berry, you know, that situation?
9 Like there's a lot of different situations that can
10 go on legally and you see African-Americans with
11 Caucasians all the time and that's legal because of a
12 legal adoption. And the child might have not wanted
13 to be there so maybe he was scared that he would -- I
14 don't know. He was scared that he would leave, so
15 he's a flight risk. That's what I meant when I said
16 that.

17 Q. Okay. So when you said flight risk, you were
18 referring to the younger male?

19 A. Uh-huh.

20 Q. The one that could potentially?

21 A. Being like ready to go back to where he came from, if
22 he just picked him up or met him or something like
23 that, like if this was a brand new adoption.

24 Q. And when you said that crime crossed your mind, who
25 did you think was committing the crime?

1 A. Well, that would have been if a crime was -- I think
2 we're mixing up different things here.

3 Q. I'm just trying to understand?

4 A. So give me the content of when I said crime in the
5 sentence or however we were talking about it so I can
6 make sure I'm speaking on it correctly.

7 Q. Sure. So it was at the time when -- I think -- and,
8 again, these are just my rough notes. I don't have
9 the transcript. But, that you thought that the child
10 looked more African than African-American, the flight
11 attendant seemed to be acting on a safety precaution
12 more than anything and that crime had crossed your
13 mind.

14 MR. MCKAY: Objection to the form.

15 A. Okay. So in that sense, the flight attendants could
16 be saying, okay, well, we want to make sure that this
17 is a legit situation. When I say legit meaning that
18 this young boy and of a different race is supposed to
19 be with this older -- because he was an older
20 Caucasian man. So making sure that that was a legit
21 situation. Why? Because usually you don't have
22 children at that age and they're that young and, two,
23 if you want to adopt, there are some stipulations and
24 you didn't -- I didn't see a -- I mean, it didn't
25 seem like that was his wife, but they were together.

1 Those two were together. It didn't seem like there
2 were a family of people together. It could have been
3 the wife on the end and them all together, but there
4 was no wife that was getting up saying things like,
5 "where is my son", or "I just want to talk to someone
6 about my son", it was the dad, so that let me know
7 that it was two people together, dad and son. And
8 those two things could cause a flight risk -- I mean
9 a site of a crime to look like in the flight
10 attendant's eyes. I think they were wanting to make
11 sure this isn't something that's going on like --
12 what is it called -- an abduction. This can be them
13 wanting to make sure that they want to protect all of
14 the people on the flight, so I always can -- you can
15 always look at things from both perspectives.

16 Q. Okay. That's helpful. Thank you. From what you
17 saw, did it seem like the flight attendants conducted
18 themselves in a professional manner on that flight?

19 A. Yes.

20 Q. Did you ever see anything that -- any actions from
21 the flight -- any of the flight attendants that you
22 would classify as aggressive?

23 A. I didn't see anything that was aggressive.

24 Q. When the flight attendant came to the row, did you
25 ever see either of those two, either the plaintiffs,

1 being struck by any of the flight attendants?

2 A. I didn't see anybody being struck by any of the
3 flight attendants.

4 Q. Did you ever hear anyone state that they had been
5 struck by a flight attendant?

6 A. I didn't hear anyone say they had been struck by a
7 flight attendant.

8 Q. And you said the next time you saw -- after he was
9 taken from the row, the next time you saw the younger
10 male was at the front of the plane as you were
11 exiting; is that correct?

12 A. Yes.

13 Q. When the separation happened, would you classify the
14 tones being used as shouting or anyone's voice being
15 raised?

16 A. There was escalation of both voices being raised, the
17 flight attendant as well as the father.

18 Q. Okay. And can you tell me more about that?

19 A. It sounded like he didn't want his son to be
20 separated for him -- from him, so he was advocating
21 for his son to stay with him, stating things like,
22 "This is my son".

23 Q. I have a few more. Let me just -- did you have the
24 perception that the flight crew seemed concerned with
25 the safety of the child?

1 A. I did, most certainly.

2 Q. I want to ask a few questions about this -- the most
3 recent flight that you took, or I shouldn't say most
4 recent, but at least the one you testified to in
5 October of 2022. So that was about three or four
6 weeks ago; is that correct?

7 A. You are correct.

8 Q. And you said you were leaving from Washington D.C.,
9 correct?

10 A. I flew out of D.C., yes, and then I had a connecting
11 flight from D.C. to Las Vegas.

12 Q. Do you recall which airport in Washington D.C.?

13 A. Reagan. Let me look at my phone. It's WBU. I think
14 that's what they call it.

15 MR. McKAY: DCA is Reagan.

16 A. DCA is where I flew out of. Those are the initials.

17 Q. Okay.

18 A. Thank you.

19 Q. And then your layover was New York; is that correct?

20 A. I think so. I can look on my phone to verify it, but
21 I do know I had a layover in between time and I sat
22 there overnight. But, it was okay. That part wasn't
23 bad.

24 Q. Did you stay in the airport overnight?

25 A. I did. I did, because I had an early flight for like

1 4:30 and I didn't want to risk going to a hotel,
2 having to Uber, get back, 1:00 and miss it and
3 getting checked back in.

4 Q. Did you have to pay for that hotel?

5 A. I didn't stay at a hotel.

6 Q. Oh, I'm sorry. You're right. I apologize.

7 A. You're confused.

8 Q. That's my fault. Do you recall which New York
9 airport it was?

10 A. Just the NYC airport. I just remember -- this was my
11 first time ever going to any of those -- any of that
12 side because I usually do Charlotte and Atlanta.
13 But, just the regular New York airport.

14 Q. So I think you had mentioned that you had an
15 interaction with one of the flight attendants on that
16 flight, correct?

17 A. On the flight going to Las Vegas.

18 Q. So the flight from D.C. to New York or New York to
19 Vegas?

20 A. New York to Vegas.

21 Q. Okay. And then I believe you had said after that you
22 saw the flight attendant speaking with other members
23 of the flight crew; is that correct?

24 A. That is correct.

25 Q. Could you hear anything?

1 A. I heard everything. I was in row three so I could
2 hear everything.

3 Q. Everything of what they were saying --

4 A. Except for when she went behind to talk to the pilot.

5 Q. When you say behind, you mean --

6 A. The cockpit, behind the sliding door.

7 Q. So you could hear what was said amongst the flight
8 attendants?

9 A. Oh, yeah.

10 Q. But, you couldn't hear anything that anyone would
11 have said to any member of the flight crew in the
12 cockpit?

13 A. That is correct.

14 Q. Okay. Then after -- was it after you got to Las
15 Vegas that you sent an e-mail to Frontier?

16 A. No, I did every -- I called right then and there, but
17 they were closed because it was Vegas -- I mean it
18 was 5:30 in the morning and they didn't open up until
19 eight. I spoke with a customer representative
20 outside of the -- at the station, right then and
21 there. I made a complaint then. But, at that time,
22 I was told it had to be a form of e-mail or phone, so
23 I did an e-mail at that time. And then I waited
24 until 8:00, which I waited until about nine, after --
25 to give them some time, and then I did the follow-up

1 call complaint, so I did different forms.

2 Q. And if I made this note incorrectly, please correct
3 me, but I have that you testified that you know that
4 an investigation did not occur?

5 A. Not according to the e-mail and I just reviewed it
6 again.

7 Q. So what was it about the e-mail that led you to
8 believe that an investigation did not occur?

9 A. They stated we're -- let me just read it.

10 MR. McKAY: Yeah, please.

11 A. "It is never our intent to be insensitive when it
12 comes to our customers' concerns. After working with
13 our special service teams, we have concluded to offer
14 you a \$25 voucher, due to the experience you had. I
15 am sorry to inform you that we are unable to offer
16 any additional compensation. Please be assured that
17 we have forwarded your complaints for review to
18 insure this experience does not happen again."

19 And nothing has happened since 11-5 and that was
20 after I followed back up to ask was that all you guys
21 were going to do, a \$25 voucher? That's response I
22 got back after I stated that.

23 Q. So beyond the e-mail that you got and the conferences
24 you had on the phone, do you know anything about what
25 Frontier did to investigate the incident?

1 A. They didn't say. They only -- they only wrote one
2 time.

3 Q. So the only knowledge you have is what is contained
4 in that e-mail; is that fair?

5 A. Let me go back and just see if I got something else.
6 This is a thread from 10-24. "We are deeply sorry
7 for the experience that you had. Row one does not
8 have an under seat space to place items under so our
9 flight attendant asked row two through four to move
10 items back for safety issues." They just said they
11 -- they asked them to move items back for safety
12 issues. But, whatever happened to going up under the
13 seat? They didn't address that. And what ever
14 happened to me having assistance and me not being
15 offered assistance and everybody else? They didn't
16 address that.

17 "This information given by our flight attendant at
18 this time should not be unpleasant and we are sorry
19 if this was the case." Well, it was very unpleasant
20 because you didn't address the things that I told you
21 she did in a very long e-mail and call. It was very
22 explanational (sic) so those things wasn't addressed.
23 Then, again, "In an effort to make things right, we
24 issued you a \$25 voucher to use towards your future
25 travel, for Frontier, and this voucher applies to the

1 base fair only, it does not cover additional fees,
2 taxes, etcetera. This voucher expires January 23,
3 2023, which I won't be able to use. As a nurse, I
4 don't have those type of days off. And you do not --
5 "And you do not have to fly before that time, but you
6 must book your travel". And, being a travel nurse, I
7 move very quickly, so, of course, they don't -- I
8 told her all of this. There's no compassion of any
9 of this because I told them my lifestyle, I told her
10 -- I was actually going out here for a celebration of
11 death for my father and I don't see anything in here
12 about any of that. And, to me, I feel like this is
13 all about you trying to offer me something that I
14 probably won't even be able to use.

15 "And we apologize again for the experience and
16 hope your services and travels are under better
17 experiences and circumstance in the future." So that
18 was the feedback that I received. And the feedback
19 was that the information given by a flight attendant
20 at this time should not be unpleasant. So it seems
21 like they did ask the flight attendant why she asked
22 me to move my bags to five, but they didn't address
23 why she asked me to get off the plane, why I couldn't
24 put my stuff up under my seat, which I was in row
25 three and that's appropriate, and why if you wanted

1 me to move my items, you asked -- you removed
2 everybody else's items, but didn't help me with mine.
3 You told me to move mine and you didn't give me an
4 option of you can place it under your seat or I can
5 move your stuff to five -- I mean to right here above
6 the head. These cabinets are full. That's all she
7 had to say. Or if the cabinets weren't full, say
8 what this person just said, that she could have said
9 this a nice answer, we reserve -- "row one does not
10 have any under-seating space to place personal items,
11 so our flight attendant asked row two through four to
12 move items further back." Now, we know that that's
13 the beautiful thing to do, but at the same time,
14 there was nothing in the row that I came in. So this
15 is a blanket answer.

16 Q. To the extent of your personal knowledge regarding
17 whatever investigation was done is limited to that
18 e-mail response?

19 MR. McKAY: Objection to form.

20 A. Yes. I only have two e-mails from Frontier, 10-24
21 and 11-5 and I've read both of them.

22 MR. MARTIN: I have no further
23 questions.

24 MR. McKAY: Just a few followups.

25 REDIRECT EXAMINATION (By Mr. McKay):

1 Q. First of all, you've testified about multiple trips
2 to Las Vegas. Do you have a business connection in
3 Las Vegas or a reason to go there for business?

4 A. I went to Las Vegas to see the Usher concert because
5 I wanted to do something fun to mourn the celebration
6 of my father's death.

7 Q. Oh, I'm sorry, that was -- okay. Thank you. So do
8 you have plans to go to Vegas in the future?

9 A. I love to go to Vegas so I will probably go again
10 with my mom again, take her whenever she gets better.
11 She just had another surgery, wait for her to get
12 better. She's my travelling buddy.

13 Q. Okay. Great. As a frequent traveller and a nurse,
14 do you think if flight attendants have suspicions
15 about certain passengers that they ought to ask those
16 passengers some questions about those --

17 A. There should definitely be a protocol. There should
18 definitely be some cultural competency, education,
19 that should be provided so that you know how to talk
20 to people in a way of not making them feel offended
21 if they have a child or their parent are from a
22 different race because I -- that could cause
23 deflection or maybe just a sense of apprehensive
24 tension before you even find out the basis of
25 everything. So the separation, I think, could have

1 happened in a different way so that it wouldn't cause
2 the father to have been in such an uproar, being up
3 out of his seat really -- literally out of his seat
4 looking, when he was supposed to be seated with his
5 seatbelt on. And I saw out of his seat and did that
6 demonstration because I didn't see him get out of his
7 row and get out of his seat, just raise out of his
8 seat looking for his son.

9 Q. Okay. Now, you don't know anything about when the
10 child was adopted; is that right?

11 A. I don't know anything about any of that. I'm just
12 noticing that he stated that's my son so that lets me
13 know that that's his son. They don't look alike so
14 that lets me know that something of an adoption had
15 to happen for this to be of my son.

16 Q. Right. And just if the child had been adopted as an
17 infant and the adoptive mother had died two years
18 later unexpectedly, then she wouldn't have been
19 around to be on the flight to say, "that's my son"?

20 A. That's true. That's right.

21 Q. And is it possible that the boy could have taken his
22 shoes and socks off just for comfort?

23 A. It is. I take mine off all the time for comfort. I
24 don't wear boots and stuff like that either, but I
25 just noticed that no socks made it seem like it was

1 just nasty. People walk all the time on the thing
2 that you put your feet on and they don't have on
3 socks all the time. That's my -- like I said, me,
4 being a nurse, these are the things that I think
5 about. I'm the person that has my socks in my pocket
6 if I wear flip-flops because I want to put my socks
7 on.

8 Q. Might that also differ between cultures?

9 A. That's true, as well. You're absolutely correct.

10 Q. Did you notice that his socks and shoes were off when
11 the flight attendant moved him?

12 A. I didn't look at his feet, but I'm assuming they
13 were.

14 Q. Off?

15 A. Still off. And I say assuming, because I didn't see
16 him do any motions of putting shoes and socks on, but
17 I can't verify it.

18 Q. I am going to show you here a document that Frontier
19 has produced. Just for identification, it's Frontier
20 Document 0126, pictures of the flight attendants from
21 their employee files. Do you recognize any of those
22 people as being the flight attendants that you saw?

23 MR. MARTIN: Just one quick question?

24 MR. McKAY: Yeah.

25 MR. MARTIN: Were those marked as

1 confidential or not? I can't remember.

2 MR. MCKAY: Good question, but why would
3 they be confidential? They were not.

4 MR. MARTIN: Just want to be clear.

5 Q. So do you recognize -- and I'll represent these are
6 their pictures from their employee files so they
7 might have been taken on their first day of work and
8 at the time you saw them, they might have looked
9 different.

10 A. I'm shaking my head because the faces do look
11 familiar.

12 Q. Okay. Do any of them look like the flight attendant
13 that you saw come to the row and say come with me?

14 A. You know, it looks like it could be Chelsea.

15 Q. All right. Chelsea Bright?

16 A. Chelsea Bright.

17 Q. And I'm going to show you another picture which is a
18 still from her deposition several months after in
19 December of 2019, so several months after the flight,
20 just to point out that she had somewhat different
21 looking hair in that picture.

22 A. Oh, okay.

23 Q. I don't know what her hair looked like on the day of
24 the flight, however.

25 A. Okay.

1 Q. Okay? So based on that, you think that Chelsea might
2 have been -- let me get back to that.

3 A. Well, if her hair color changed like that, because I
4 remember it being a dark hair color person on the
5 flight. I don't remember a light hair color person,
6 but that's years after, right?

7 Q. Right.

8 A. Then it might have been Anna then. But, I don't
9 remember a younger person with darker hair, so
10 Chelsea looks older, but she's just got darker hair
11 so...

12 Q. Yeah, Chelsea is a bit older than Anna, but those two
13 are closest in age.

14 A. Dark hair.

15 Q. Right. And, now you mentioned a Caucasian male
16 flight attendant and I'll represent to you the only
17 male flight attendant is black?

18 A. I see.

19 Q. So could it have been Scott Warren that you saw?

20 A. I guess, yes.

21 Q. Okay.

22 A. I do remember now. But, I mean -- if I hadn't seen a
23 picture, I -- for some reason, I thought he was
24 Caucasian.

25 Q. That's all right. Now, do any of them look like the

1 flight attendant that you saw with the child as you
2 were leaving?

3 A. Up front, that would be Amanda.

4 Q. Amanda Nickel?

5 A. Uh-huh.

6 Q. And you're sure about that?

7 A. I can be sure about because she looked like -- I'm
8 sorry, but she looks like she was the manager.

9 Q. Okay. She does have a managerial look, doesn't she?

10 A. Uh-huh.

11 MR. McKAY: That's all the questions I
12 have.

13 MR. MARTIN: Nothing more.

14 MR. McKAY: So one little housekeeping
15 item is that the court reporter here is
16 going to type up everything that was
17 said based on her notes that she's been
18 taking here. And it is your testimony
19 and, as your testimony, you have the
20 right to look over the transcript to
21 make sure it is entirely accurate. You
22 can tell her today that you would like
23 to do that, in which case she will get
24 your information and make arrangements
25 with you to go through that process or

1 you can tell her today that you waive
2 that and then she knows that she
3 doesn't have to follow up with you.

4 What would you like to do?

5 THE WITNESS: You can follow up with me.

6 COURT REPORTER: Your e-mail address?

7 THE WITNESS: ariciabinder@yahoo.com.

8 MR. McKAY: And I do have to mention to
9 you -- I know you're a very busy person
10 -- Federal rules say 30 days is all you
11 get from the day she gives it to you
12 and if you don't get it back to her
13 with changes after the 30 days, then it
14 is presumed that you are okay with it
15 the way it is.

16 THE WITNESS: I voice understanding.

17 MR. McKAY: Okay. Thank you.

18 THE WITNESS: Thank you, everybody.

19 MR. McKAY: He'll just say that we're
20 off the record here.

21 VIDEOGRAPHER: This concludes the
22 deposition of Aricia Binder, media
23 number one. The time is 4:38 p.m.
24 We're off the record.

25 (WHEREUPON the deposition was concluded

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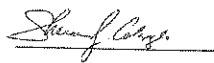
at 4:38 p.m.)

1 STATE OF NORTH CAROLINA)
2 COUNTY OF CABARRUS) C E R T I F I C A T E

3
4 I, Shannon J. Colangelo, Notary Public, do hereby
5 certify that ARICIA BINDER was duly sworn by me prior to the
6 taking of her deposition; that said deposition was taken and
7 transcribed by me; and that the foregoing pages are a true and
8 accurate transcript of the testimony of said witness. I
9 further certify that the persons were present as stated.

10 I further certify I am not of counsel for or in the
11 employment of any of the parties to this action, nor am I
12 interested in the result of said action.

13 IN WITNESS WHEREOF, I have hereunto subscribed my name,
14 this 5th day of January, 2023.

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23 Shannon J. Colangelo
24 Notary #200734500005
25 My Commission Expires: 12/10/27

VERIFICATION OF DEPONENT

I, ARICIA BINDER, have read the foregoing testimony, which was reported by Shannon J. Colangelo, Notary Public in and for the State of North Carolina, on November 17, 2022.

I find the transcript of my testimony to be true and accurate according to my testimony on that date, with the exception of _____ corrections as listed on the attached errata page, which was completed by me.

ARICIA BINDER

Sworn to and Subscribed before me
this _____ day of _____, 2023.

Notary Public
My Commission Expires _____

Page #	Line #	Change/Correction (& Explanation)
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The above changes were noted by me on this errata page before signing the attached verification of deponent. I have retained a copy of this errata page for my records, and the court reporter is to attach this page and my verification to the original transcript.

Dated: _____
ARICIA BINDER